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**TO: Economic Support Supervisors
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Training Staff
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W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers**

**FROM: Janice Peters
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Bureau of Wisconsin Works
Division of Workforce Solutions**

DWS OPERATIONS MEMO

No: 06-28

DATE: 06/06/06

FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input type="checkbox"/>	W-2	<input checked="" type="checkbox"/>
FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>	RAP	<input type="checkbox"/>
WIA	<input type="checkbox"/>	Other EP	<input type="checkbox"/>		

PRIORITY: HIGH

SUBJECT: Modification to Wisconsin Works (W-2) Good Cause Policy

CROSS REFERENCE: Operations Memo 05-52

EFFECTIVE DATE: Immediately

PURPOSE

The purpose of this memo is to modify the recently released Wisconsin Works (W-2) good cause policy.

BACKGROUND

In response to feedback from many W-2 agencies and advocates, the Division of Workforce Solutions (DWS) has made some modifications to the W-2 good cause policy.

In Operations Memo 05-52, which introduced changes to the W-2 good cause policy, DWS provided a definition of immediate family. Excluded from that list were nonmarital co-parents. This was an oversight. In addition, some of the timeframes for absences due to death in the family were confusing. Therefore, the definition of immediate family has been updated and timeframes clarified.

In addition, under the new policy, if there is a pattern of absences from assigned activities and the FEP has reason to believe that a participant is misusing the good cause policy, the FEP may require a participant to obtain a signed medical statement, update existing medical information from a licensed physician or some other qualified assessing agency or provide some other form of written documentation verifying the good cause claim before applying good cause to the missed hours. In Operations Memo 05-52, DWS required, within each agency, that a “pattern of absences” be defined so that the policy was applied consistently. DWS has determined that “pattern of absences” should be defined through W-2 policy rather than leaving it to the discretion of each W-2 agency in order to ensure consistency.

POLICY MODIFICATIONS

DEATH OF AN IMMEDIATE FAMILY MEMBER

A participant may be granted up to 3 business days of good cause or, if travel for funeral services is required, 7 business days not to exceed the week following the death of a member of the participant's immediate family. Immediate family is defined as participant's spouse, nonmarital co-parents, step-parents, grandparents, foster parents, children, step-children, grandchildren, foster children, brothers and their spouses, sisters and their spouses, aunts, uncles, sons-in-law and daughters-in-law, cousins, nieces and nephews of the participant or his/her spouse or nonmarital co-parent and other relatives of the participant or his/her spouse or nonmarital co-parent if these other relatives reside in the same household as the participant.

Example: A Hmong W-2 participant's brother died on Monday, May 8, 2006. Although the funeral is not scheduled until Friday, May 12, 2006, cultural tradition requires the participant to go to the sister-in-law's house to greet and provide comfort to the family up until the start of the funeral on Friday. The funeral then runs through Monday, May 15, 2006, and the participant expects to return to assigned activities on Tuesday, May 16, 2006. The FEP may grant good cause for the participant's absence due to the death of an immediate family member.

It should be noted that FEPs have the discretion to lengthen the timeframe for good cause depending upon an individual circumstances. In the above scenario, if the funeral is postponed for any reason, the FEP should allow the participant to take the 7 business days (or more if necessary) in the following month even if that exceeds the week following the death.

PATTERN OF ABSENCES

In Operations Memo 05-52, agencies were given the discretion to define “pattern of absences” as it pertained to the W-2 good cause policy. The policy states that if there is a “pattern of absences” and the FEP has reason to believe that a participant is misusing the good cause policy, the FEP may require the participant to submit written verification of good cause. Based on feedback from the advocates and the Department's legal counsel, DWS and the W-2 Contract and Implementation Policy and Program Operations Workgroup created the following definition of “pattern of absences” to be used by W-2 contract agencies statewide:

Pattern of Absences: Absences that extend beyond 3 consecutive days or more than 5 days in a rolling 30-day period. An absence means being absent from any one activity. For example, if a participant is assigned to work experience and adult basic education on the same day and misses just one of those activities, this is considered an absence. If good cause is accepted for any of the absences, the good cause absences may still be considered as a part of the pattern.

Written documentation verifying good cause is not required for every absence from an assigned W-2 activity. For example, a participant remaining home to care for an ill child who has to miss school or daycare or a participant who has to miss an assigned activity due to an unexpected illness is to be expected on occasion. In addition, written documentation verifying good cause is not necessary if a participant misses assigned activities due to a documented chronic illness, e.g., chronic asthma, panic attacks, etc., or known family circumstance, e.g., disabled child, child with behavioral problems, homelessness, domestic violence, etc.

While the good cause policy is meant to model what an employer may allow under its own absence policy, the W-2 policy considers the fact that participants may face hardships that make completing activities and notifying the agency of missed activities more difficult, e.g., phone availability, reliable transportation, etc. In addition, anytime nonparticipation is an issue, the FEP is responsible for determining if there are any underlying barriers that may be causing the absences. This may mean requesting additional assessments, adjusting activities and providing accommodations that will allow the individual to participate.

If the FEP determines that a pattern of absence does exist and, after discussing the absences with the participant, the FEP determines that based on the participant's capabilities and the explanation given for the absences, that the participant is misusing the good cause policy, the FEP may find it necessary to request written documentation verifying good cause. The FEP must give the participant 7 working days from the time the verification request is mailed to obtain the documentation. However, if the FEP believes that there is a reasonable explanation given for the absences by the participant during the discussion, even though the absences may exceed the defined pattern, written verification is not necessary.

If the person misses beyond 3 consecutive days or more than 5 days in a rolling 30-day period, but the absences are for the same reason, e.g., car accident, child has flu, etc., this may be considered a reasonable explanation for missing beyond 3 consecutive days and written verification may not be necessary. A reasonable explanation would be determined by the FEP on a case-by-case basis in which the FEP's knowledge, experience and familiarity with the case and the community would all be factors. However, if the FEP has reason to believe that the participant is misusing the good cause policy, the FEP may find it necessary to request written documentation verifying good cause. The FEP must document in case comments (CMCC) why the written documentation verifying good cause is necessary. If the individual does not have the power to produce verification, or requires assistance to do so, the W-2 agency must assist the participant in obtaining the verification. In some instances, the W-2 agency may seek the verification themselves.

Example 1: A participant misses 3 consecutive days of her assigned activities and calls in on the fourth day because of the illness of her children and explains that one after the other of her four children were ill with a bad flu. Although the absences constitute a pattern, the FEP does not have reason to believe that the participant is misusing the good cause policy, particularly because she is aware that a bad flu is going around. In this scenario, the FEP would not require written documentation of good cause for the missed activities.

Example 2: A participant misses her assigned morning activity 3 days in a row because she felt sick. She has no chronic health problems and doesn't offer an adequate explanation of what was wrong with her. On the fourth day, the participant again calls and says that she is feeling ill and cannot attend her activities. In this scenario, the FEP may require written documentation of good cause for the missed activities because the participant's absences constitute a pattern and the FEP has reason to believe that the participant may be misusing the good cause policy.

Example 3: A participant misses 5 days in a 30 day period because of school appointments. She brings in written verification for 2 of the days but not all 5 days indicating that her child is undergoing an M-team evaluation for suspected learning problems. The participant calls and says that she will miss the next 2 days for the same reason. Because the participant has missed 5 days, even though 2 of the days she was granted good cause, this does constitute a pattern and the FEP has reason to believe that the participant may be misusing the good cause policy because the participant has a history of not attending activities. In this case the FEP may require written documentation verifying good cause

Example 4: A participant misses 2 consecutive days of activities because she is ill. These 2 absences are the first absences the participant has had in several months. Because this does not constitute a pattern, whether or not the FEP believes the participant is misusing the good cause policy, the FEP may not require written documentation verifying the good cause.

CONTACTS

BHCE CARES Information & Problem Resolution Center

*Program Categories – FS – FoodShare, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DWD/DWS/BW-2/MMM